
HOUSE BILL No. 1015

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-67; IC 31-17-2.

Synopsis: Joint parenting. Establishes a rebuttable presumption that joint parenting is in the best interest of a child. Requires a court to consider the ability of the joint parents to communicate and advance the child's welfare if the presumption of joint parenting is challenged. Repeals a provision containing language that is being relocated within the Indiana Code.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1015

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-67 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 67. ~~"Joint legal~~
3 ~~custody"~~, **"Joint parenting"**, for purposes of IC 31-17-2-13
4 ~~IC 31-17-2-14~~, and IC 31-17-2-15, means that the persons ~~awarded~~
5 **joint custody ordered to jointly parent a child** will share authority
6 and responsibility for the major decisions concerning the child's
7 upbringing, including the child's:

- 8 (1) education;
9 (2) health care; and
10 (3) religious training.

11 **However, the term does not require an equal division of physical**
12 **custody of the child.**

13 SECTION 2. IC 31-17-2-13 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. ~~The court may~~
15 ~~award legal custody of a child jointly if the court finds that an award of~~
16 ~~joint legal custody would be~~ **There is a rebuttable presumption that**
17 **joint parenting is** in the best interest of the child.



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SECTION 3. IC 31-17-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. ~~In determining whether an award of joint legal custody~~ **If a party seeks to rebut the presumption** under section 13 of this chapter ~~would be that joint parenting is~~ in the best interest of the child, the court shall consider it a matter of primary, but not determinative, importance that the persons awarded joint custody have agreed to an award of joint legal custody. The court shall also consider:

(1) the fitness and suitability of each of the persons awarded joint custody;

(2) whether the persons awarded joint custody **who would be jointly parenting** are ~~willing and~~ able to communicate and cooperate in advancing the child's welfare.

(3) ~~the wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age;~~ and

(4) ~~whether the child has established a close and beneficial relationship with both of the persons awarded joint custody;~~

(5) ~~whether the persons awarded joint custody:~~

(A) ~~live in close proximity to each other; and~~

(B) ~~plan to continue to do so; and~~

(6) ~~the nature of the physical and emotional environment in the home of each of the persons awarded joint custody.~~

SECTION 4. IC 31-17-2-14 IS REPEALED [EFFECTIVE JULY 1, 2007].

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